

Ben., and Samuel Brown, Jr., and it appears by the proceedings in the cause that the two latter were sureties for the former, and that judgments were recovered against them all jointly for debts due the state.

These resolutions have received a construction by the Court of Appeals, but I do not understand the interpretation put upon them by that tribunal, warrants the view now taken of them by the counsel of the parties having interests hostile to the state. The question before the Court of Appeals was between Brown and Welch, and the state, and had reference to the extent of the credits which should be given upon the judgments against those parties as the sureties of Green. And it is perfectly manifest from the opinion of the Court of Appeals that all the credits to which, in their view, those parties were entitled, were to be credited upon these particular judgments, and that they never contemplated credits exceeding their amount.

But the point now urged is, that according to the true interpretation of these resolutions, Green, the principal debtor, was entitled to credits going beyond the amount of the judgments mentioned therein, and that the excess, after satisfying them, shall be applied in part extinguishment of other claims due by him to the state. This position, I am persuaded, cannot be maintained, it being to my mind very clear that the legislature never contemplated such a result. On the contrary, the credits which the resolutions direct shall be given are specifically and in terms applied to the judgments of the state against Green, Welch and Brown.

These credits, it will be recollected, at least so far as the interest and commissions are concerned, are mere gratuities to the defendants, Green and his sureties, the state receiving no valuable consideration for them of any description. They are the mere grant of a bounty by the state, and I hold the doctrine to be very clear, that whatever the rule of interpretation may be with regard to grants by the state upon a valuable consideration, and without deciding whether the construction of such grants, and the deeds of individuals should be different,